

REMARKS/ARGUMENTS

Applicants submit this Amendment, together with a Petition for Extension of Time, in reply to the Office Action mailed April 10, 2003.

In this Amendment, Applicants amend the specification to improve clarity. Applicants also amend claims 31, 41, and 43 to better define the claimed invention. Additionally, Applicants rewrite claims 34, 35, and 38 in independent form, including all the limitations of originally-filed claim 31 and any intervening claims. Further, Applicants cancel, without prejudice or disclaimer, claim 44, and add new claims 46-76. Moreover, Applicants correct a reference character in Fig. 1 and add a reference character and associated markings to Fig. 4.

Before entry of this Amendment, claims 31-45 were pending in this application. After entry of this Amendment, claims 31-43 and 45-76 are pending in this application.

The originally-filed specification, claims, abstract, and drawings fully support the amendments to the specification; the amendments to claims 31, 41, and 43; the rewriting of claims 34, 35, and 38; the addition of new claims 46-76; and the amendments to Figs. 1 and 4. No new matter was introduced.

In the Office Action, the Examiner rejected claims 43 and 44 under 35 U.S.C. § 112, ¶ 2; rejected claim 44 under 35 U.S.C. § 102(b) as being anticipated by United Kingdom Patent Document No. 2,114,069 (“GB ’069”); rejected claim 44 under 35 U.S.C. § 102(b) as being anticipated by United Kingdom Patent Document No. 0,029,268 (“GB ’268”); rejected claim 44 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,104,532 to Sommer (“Sommer”); rejected claim 44 under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent Document No. 2-133,206 (“JP ’206”); and rejected claims 31-33, 36, 37, 40, 41, 43, and 44

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under 35 U.S.C. § 103(a) as being unpatentable over JP '206 in view of Japanese Patent Document No. 5-058,109 ("JP '109") and, optionally, U.S. Patent No. 4,424,846 to Seitz et al. ("Seitz") and/or GB '069.

The Examiner also stated that claims 34, 35, 38, and 39 would be allowable if rewritten in independent form including all the limitations of claim 31 and any intervening claims.

Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's statement that claims 34, 35, 38, and 39 would be allowable if rewritten. This Amendment rewrites claims 34, 35, and 38 substantially as suggested by the Examiner. Applicants respectfully submit that originally-filed claim 39 is patentable at least due to the direct dependency of claim 39 from allowable independent claim 38.

Right of Priority and Benefit

In the Preliminary Amendment filed with the application on May 18, 2001, Applicants claimed the benefit under 35 U.S.C. § 119(e) based on prior-filed, copending provisional application No. 60/110,169, filed November 27, 1998, in the U.S. Patent and Trademark Office ("USPTO"). However, the Office Action Summary (PTO-326) does not appear to acknowledge this claim.

Applicants respectfully request that the Examiner expressly acknowledge Applicants' claim to the benefit of the provisional application in the next paper mailed from the USPTO.

Drawings

The drawing corrections include two (2) Replacement Sheets (Figs. 1 and 4) and two (2) Annotated Marked-up Drawings (Figs. 1 and 4).

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The drawing corrections correct reference character “ε” to read “ω” in Fig. 1 and add reference character “D2” and associated markings to Fig. 4.

Section 112, ¶ 2, Rejections

Applicants amend claim 43 substantially as suggested by the Examiner. Applicants also cancel, without prejudice or disclaimer, claim 44.

Applicants submit that this amendment and cancellation obviate the Examiner’s rejections under Section 112, ¶ 2.

Section 102(b) Rejections—Independent Claim 44

As discussed above, Applicants cancel, without prejudice or disclaimer, claim 44.

Applicants submit that this cancellation obviates the Examiner’s rejections under Section 102(b).

Rejections Under 35 U.S.C. § 103(a)—Independent Claims 31, 41, and 43

Applicants submit that independent claims 31, 41, and 43, as amended, are patentable under 35 U.S.C. § 103(a) over the cited references, including GB ’069, JP ’109, JP ’206, Seitz, and the other art of record. This is true whether such art is considered alone or in any proper combination.

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a) using multiple references, each of three requirements must be met. First, the references, when combined, must teach or suggest all the claim limitations. M.P.E.P. 2143.03 (8th ed., Rev. 1, Feb. 2003). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. M.P.E.P. 2143.01 (8th ed., Rev. 1, Feb. 2003). Third,

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there must be a reasonable expectation of success that the proposed combination will work for the intended purpose. M.P.E.P. 2143.02 (8th ed., Rev. 1, Feb. 2003). Moreover, the second and third requirements “must both be found in the prior art, not in applicant’s disclosure.” M.P.E.P. 2143 (8th ed., Rev. 1, Feb. 2003).

However, neither GB ’069, JP ’109, JP ’206, Seitz, nor the other art of record, either alone or in any proper combination, teaches or suggests all the limitations of independent claims 31, 41, or 43 for a tyre for a four-wheeled vehicle.

Applicants submit that one of ordinary skill in the art of tyres for a four-wheeled vehicle would not look to the teachings of motorcycle-tire references because motorcycle tyres are fundamentally different, at least in construction and road behavior, from tyres for four-wheeled vehicles. These fundamental differences are driven by significant differences in size and weight between motorcycles and, for example, automobiles. Also, camber thrust plays a greater role than cornering force in turning a motorcycle unlike, for example, an automobile. Additionally, the motorcycle driver is a greater part of the size and weight of a motorcycle than, for example, an automobile. For all of these reasons, motorcycle tyres are fundamentally different, at least in construction and road behavior, from tyres for a four-wheeled vehicle. Because of these differences, Applicants submit that—at least when analyzing the patentability of claims directed to a tyre for a four-wheeled vehicle under 35 U.S.C. § 103(a)—GB ’069, JP ’206, and other motorcycle-tire references cannot be properly combined with references directed to tyres for four-wheeled vehicles, such as passenger cars.

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For at least this reason, Applicants submit that independent claims 31, 41, and 43 are patentable under 35 U.S.C. § 103(a) over the cited references, including GB '069, JP '109, JP '206, Seitz, and the other art of record.

Rejections Under Section 103(a)—Dependent Claims 32, 33, 36, 37, and 40

Applicants submit that dependent claims 32, 33, 36, 37, and 40 are patentable under 35 U.S.C. § 103(a) over the cited references, including GB '069, JP '109, JP '206, Seitz, and the other art of record. This is true at least due to the direct dependency of claims 32, 33, 36, 37, and 40 from independent claim 31.

New Independent Claims 47, 57, and 67

Applicants submit that independent claims 47, 57, and 67 are patentable under 35 U.S.C. § 103(a) over the cited references, including GB '069, JP '109, JP '206, Seitz, and the other art of record. This is true whether such art is considered alone or in any proper combination for at least the reason that no proper combination of the cited references teaches or suggests all the claim limitations of independent claims 47, 57, and 67, including, *inter alia*, “wherein paths exist along a rolling surface of the tread pattern from a first shoulder end of the tyre to a second shoulder end of the tyre without crossing any of the grooves” (claim 47), “no circumferential grooves” (claim 57), or “wherein the grooves of the at least one third row cross the equatorial plane of the tyre” (claim 67).

New Dependent Claims 48-56, 58-66, and 68-76

Applicants submit that dependent claims 48-56, 58-66, and 68-76 are patentable under 35 U.S.C. § 103(a) over the cited references, including GB '069, JP '109, JP '206, Seitz, and the other art of record. This is true at least due to the direct or indirect dependency of claims 48-56

from independent claim 47, the direct or indirect dependency of claims 58-66 from independent claim 57, and the direct or indirect dependency of claims 68-76 from independent claim 67.

Claim Scope

In discussing the specification, claims, abstract, and drawings in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants believe that Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Summary

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this Application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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By: _____

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